loses his land by eminent domain, 7 U.S.C. 1378(a) permits the transfer of the allotment pertaining to the condemned land—but not to another farmer or any other person; only to "other farms owned by" the displaced farmer. The reason for this provision lies in the structure of the acreage allotment system. An acreage allotment is a form of quota. Without an allotment, no crop covered by the quota provisions of the Agricultural Adjustment Act may be grown. Hence, when land under an allotment is taken by eminent domain, the displaced farmer cannot resume farming the crops he farmed on his former lands simply by purchasing new farmland with the proceeds of the condemnation award, but must somehow obtain land subject to the same allotments—unless he can, as it were, take his old allotments with him to the new land. The sole purpose of Section 1378(a) is to facilitate the resumption or continuation of farming by farmers displaced by eminent domain takings by permitting them to do just that. See 88 Cong. Rec. 730.[4]

Amendment 11 properly implements this statutory purpose by defining the transfers permitted by Section 1378(a) as limited to those intended in good faith to enable the displaced farmer to re-establish farming operations at a different site, thereby excluding transfers for the benefit of other persons; and by establishing procedures for ensuring that the statutory

[4] Compare 7 U.S.C. 1344(n), a provision similar to Section 1378(a), applicable to lands where natural disaster has prevented the planting of the crop.

requirements are observed. The regulation thus does no more than prevent displaced farmers from resorting to sham arrangements—such as the sale and lease-back arrangement with the Chandlers here—designed to defeat the limitations of the statute and enable the transfer of acreage allotments not to farms owned by the displaced farmers but to other farmers. Since the regulation is surely not "unreasonable and plainly inconsistent with" the statute, it must stand. *Commissioner* v. *South Texas Lumber Co.*, 333 U.S. 496, 501.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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